

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT MASSACHUSETTS**

**IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION**

MDL No. 2419

Docket No.: 1:13-md-02419-RWZ

THIS DOCUMENT RELATES TO:

**Armetta, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14022-RWZ**

**Bowman, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14028-RWZ**

**Davis, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14033-RWZ**

**Dreich, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14029-RWZ**

**Farthing, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14036-RWZ**

**Kashi, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14026-RWZ**

**Torbeck, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14023-RWZ**

**Handy, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14019-RWZ**

**NON-PARTY BARBARA WAGNER'S MOTION FOR CONTINUANCE OF
HEARING ON PLAINTIFFS' MOTION TO COMPEL NON-PARTY
BARBARA WAGNER TO COMPLY WITH PROPERLY-SERVED
SUBPOENA BY PRODUCING DOCUMENTS AND FOR SANCTIONS**

Non-party Barbara Wagner, by and through her attorneys, R. Scott Krause, Ashley L. Marucci and Eccleston and Wolf, P.C., hereby moves, pursuant to Local Rule 40.3, for a continuance of the hearing on Plaintiffs' Motion to Compel Non-Party Barbara Wagner to Comply with Properly-Served Subpoena by Producing Documents and for Sanctions (Docket No. 3123), which is currently scheduled for November 2, 2016 at 10:00 a.m. (Docket No. 3138). In support of her Motion for Continuance, Non-Party Barbara Wagner states:

1. The hearing on Plaintiffs' Motion to Compel Non-Party Barbara to Comply with Properly-Served Subpoena by Producing Documents and for Sanctions is scheduled for November 2, 2016 at 10:00 a.m.

2. Attorney R. Scott Krause represents Non-Party Barbara Wagner in connection with her fact witness deposition in the above-referenced cases. Mr. Krause has a previously scheduled out of town meeting on November 2, 2016, which poses a conflict for the hearing on Plaintiffs' Motion to Compel and for Sanctions. Accordingly, Mr. Krause respectfully requests a continuance of the hearing.

3. There have been no other requests for a continuance of the hearing on Plaintiffs' Motion to Compel and for Sanctions.

4. Undersigned counsel has conferred with Plaintiffs' counsel and Defendants' counsel, and all attorneys who may present argument to this Court on Plaintiffs' Motion to

Compel and for Sanctions are available to reschedule the hearing for November 4, 2016, or another mutually convenient date and time determined by this Court.

5. Therefore, for good cause shown herein, Non-Party Barbara Wagner and her counsel respectfully request that this Court grant a continuance of the hearing on Plaintiffs' Motion to Compel and for Sanctions scheduled for November 2, 2016 at 10:00 a.m.

WHEREFORE, Non-party Barbara Wagner respectfully requests that this Court issue an Order continuing the hearing on Plaintiffs' Motion to Compel Non-Party Barbara Wagner to Comply with Properly-Served Subpoena by Producing Documents and for Sanctions from November 2, 2016 until November 4, 2016 or another mutually convenient date and time, and requests such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ R. Scott Krause

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/s/ Ashley L. Marucci

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Attorneys for Non-party Barbara Wagner

CERTIFICATE OF SERVICE

This will certify that a true and accurate copy of the foregoing Non-Party Barbara Wagner's Motion for Continuance of Hearing on Plaintiffs' Motion to Compel Non-Party Barbara Wagner to Comply with Properly-Served Subpoena by Producing Documents and for Sanctions was served on all counsel of record by virtue of the Court's electronic filing system this 28th day of October, 2016.

/s/ Ashley L. Marucci

Ashley L. Marucci